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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,906	12/13/2000	Daniel R. Michelson	207950	8383
23460	7590	07/26/2004		
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780				
			EXAMINER SAADAT, CAMERON	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,906

Applicant(s)

MICHELSON ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

In response to amendment filed 4/26/2004, claims 1, and 3-20 are pending in this application. Claim 2 is cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-6, 9-13, 16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amtex Corporation (EP 0782338A2) in view of Suzuki et al. (USPN 6,067,070; hereinafter Suzuki), further in view of Tada (USPN 5,982,980).

Regarding claims 1, 9, 12, and 18, Amtex Corporation discloses a karaoke system and method comprising a video image capturing device 24 for processing a video image of a karaoke performer 26; a karaoke medium player for retrieving audio signals and an indicia image of a song from a karaoke medium wherein the indicia image contains words 20 for the song (column 11, line 33). It further discloses a means for downscaling and repositioning (column 4, lines 4-5)

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the image of the karaoke performer and removing a portion of the background image from the image of the karaoke performer to form a modified image of the karaoke performer (column 16, lines 41-52); a means to composite the modified image of the karaoke performer with the indicia image to provide an output video image for display on a video display (column 11, lines 28-36).

Amtex Corporation forms a modified image of the karaoke performer by vertically and horizontally downscaling and repositioning, and removing background image. It is not explicitly stated that the scaling features may be applied to the indicia image. However, Suzuki discloses a display control apparatus wherein an indicia image is scaled to fit and simultaneously share a display with another image (See Abstract). Hence, it would have been an obvious to one of ordinary skill in the art to modify the scaling feature described by Amtex Corporation, by scaling the indicia image in order to allow both images to be displayed simultaneously, such that the indicia image and the image of the karaoke performer do not overlap and conceal one another.

The combination of Amtex Corporation and Suzuki discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of periodically sampling an averaged background color of the indicia image, and removing a portion of the background image based on the averaged background color. However, Tada discloses a karaoke system wherein a background image is sampled and adjusted based on an averaged background color (Col. 8, lines 41-67). Hence, in view of Tada, it would have been obvious to an artisan to modify the karaoke system described in the combination, by sampling an averaged background color, in order to adjust the background image and foreground image thereby correcting color tone when pictures are to be combined with each other.

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Regarding claim 3 and 10, Amtex Corporation discloses a karaoke system and image processing device wherein the means to composite comprises overlaying the indicia image on the image of the karaoke performer to form an output video image (column 11, lines 32-36).

Regarding claims 4, 11, 13, and 19 Amtex Corporation discloses a karaoke system wherein the image processing means removes the background image in the image of the performer completely (column 16, lines 41-52).

Regarding claim 5, Amtex Corporation discloses a karaoke system wherein the means for downscaling and compositing are implemented in a stand-alone device separate from the karaoke medium player (see Figure 22, ref 30).

Regarding claim 6, Amtex Corporation discloses a karaoke system wherein the means for downscaling and compositing are implemented as components of the karaoke medium player (see Figure 19, ref 30).

Regarding claim 16, Amtex corporation discloses a karaoke system wherein the video processing circuit 4 includes a subcode processor 18 for receiving a stream of subcode data retrieved from the karaoke medium representing the indicia image and modifying the subcode data to effect the repositioning with the indicia image control 50a (see Figure 17).

Claims 7, 14, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amtex Corporation (EP 0782338A2) in view of Suzuki et al. (USPN 6,067,070; hereinafter Suzuki), further in view of Tada (USPN 5,982,980), still further in view of Kim (U.S. Patent No. 5,506,690).

Regarding claims 7 and 14, the combination of Amtex Corporation, Suzuki, and Tada discloses all of the claimed subject matter with the exception of not specifically disclosing a

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compact-disk-plus-graphics (CD+G) disk. However, Kim teaches the use of a compact-disk-plus-graphics disk for a karaoke medium player (column 1, lines 18-20). In view of Kim, it would have been obvious to one of ordinary skill to modify the karaoke medium described in the combination of Amtex Corporation, Suzuki, and Tada so that it utilizes a compact-disk-graphics disk because such a disk is capable of storing video and audio information, including song text information, which is necessary for a karaoke medium player.

Regarding claims 15 and 17, Amtex Corporation discloses a karaoke medium player wherein the video processing circuit composites the indicia image with an external video image and video processing circuit 4 also includes a subcode processor 18 which sends the modified subcode data to a microprocessor 50a (see Figure 17). The combination of Amtex Corporation, Suzuki, and Tada discloses all of the claimed subject matter with the exception of not specifically disclosing a CD+G decoder. However, Kim teaches a video processing circuit that includes a compact-disk-plus-graphics disk and decoder (column 1, lines 18-20). In view of Kim, it would have been obvious to one of ordinary skill in the art to modify the video processing circuit as described in the combination of Amtex Corporation, Suzuki, and Tada by providing a CD+G decoder thereby allowing the use of a (CD+G) disk for storage, which is capable of storing video and audio information, including song text information that can be easily extracted with a video processing circuit.

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amtex Corporation (EP 0782338A2) in view of Suzuki et al. (USPN 6,067,070; hereinafter Suzuki), further in view of Tada (USPN 5,982,980), still further in view of Cookson et al. (USPN 6,148,139 B1; hereinafter Cookson).

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Regarding claims 8 and 20, the combination of Amtex Corporation, Suzuki, and Tada discloses all of the claimed subject matter including a means for downscaling an indicia image vertically and horizontally, but does not specifically teach that the image is downscaled by selectively dropping lines of the image. However, it is the examiner's position that this form of downscaling is notoriously well known in the art. Furthermore, Cookson discloses a mixing medium for karaoke applications including a graphics downscaling means. Cookson additionally discloses that vertical downscaling by dropping lines is notoriously well known. Hence, it would have been obvious to one of ordinary skill to modify the downscaling means described in the combination of Amtex Corporation, Suzuki, and Tada by utilizing vertical downscaling by dropping lines in the image in order to provide a standardized scaling means.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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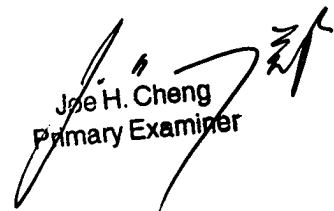
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS


Joe H. Cheng
Primary Examiner